

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LE-VEL BRANDS LLC

v.

SHYLO ECKSTROM

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CIVIL ACTION NO. 3:18-CV-1352-S

MEMORANDUM OPINION AND ORDER

This Order addresses Plaintiff Le-Vel Brands LLC's ("Plaintiff") Motion for Contempt and for Sanctions and Brief in Support [ECF No. 52]. For the following reasons, the Court denies the Motion.

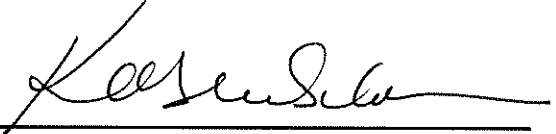
As a preliminary matter, the parties' briefing indicates that Plaintiff's counsel did not comply with Local Rule 7.1(a), which requires "an attorney for the moving party [to] confer with an attorney for each party affected by the relief requested to determine whether [a] motion is opposed." N.D. TEX. L. CIV. R. 7.1(a); *see also* Mot. 11; Def. Resp. to Mot. ("Resp.") 2, 21. Plaintiff filed this Motion on Friday, May 10, 2019. *See* ECF No. 52. *That same day*, Plaintiff allegedly made two attempts to confer with Defendant: once via email at 4:58 p.m., and once via voicemail at 5:46 p.m. *See* Resp. 2; *see also* Mot. 11 ("*On May 10, 2019*, Plaintiff's counsel made multiple attempts to conference with Defendant's counsel" (emphasis added)). One-sided communications sent at or near the close of business on the same day a motion is filed do not satisfy Local Rule 7.1(a).

With respect to the Motion, the Court acknowledges that Defendant's communications with Pamela Harris Wright appear to have violated the Permanent Injunction entered by the Court on June 26, 2018 [ECF No. 15]. *See* Def. App. 3-35; *see also* Resp. 17 ("[Defendant] admits that she should not have made the comments she did").

Nevertheless, “[j]udicial sanctions in civil contempt proceedings [are] employed for either or both of two purposes: to coerce the defendant into compliance with the court’s order [or] to compensate the complainant for losses sustained.” *Am. Airlines, Inc. v. Allied Pilots Ass’n*, 228 F.3d 574, 585 (5th Cir. 2000). Plaintiff has not offered evidence of any “losses sustained” due to the communications. *Id.* Moreover, based on the briefing, the Court finds that neither an order of contempt nor an assessment of sanctions is necessary to coerce Defendant into compliance with the Permanent Injunction at this time. *See id.* For those reasons, the Court denies Plaintiff’s Motion.

SO ORDERED.

SIGNED September 12, 2019.



KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE